

REMARKS

The final Office action of 15 November 2007 (Paper No. 20071105) has been carefully considered.

Claim 38 is being canceled without prejudice or disclaimer, claims 34, 39 and 41 are being amended, and new claim 49 is being added. Thus, claims 34 thru 37 and 39 thru 49 are pending in the application.

It is respectfully submitted that the claim amendments presented herein do not raise new issues requiring further consideration and/or search by the Examiner, and thus this Amendment After Final should be entered. Specifically, previous claims 34 and 38 are being combined by amending independent claim 34, and previous dependent claim 39 is being amended to appear in independent form. Thus, these claim amendment do not raise new issues requiring further consideration and/or search by the Examiner.

Furthermore, independent method claim 41 is being amended to include a step corresponding to the operation recited in previously considered dependent claim 38. Moreover, new independent claim 49 is a combination of the recitations of previous independent claim 41 with an additional step corresponding to the operations set forth in previously considered dependent claim 39. Thus, the amendment of independent method claim 41 and addition of new independent method claim 49 do not raise new issues requiring further consideration and/or search by the Examiner since the subject matter added by amendment to independent claim 41, and the subject matter added to independent claim 41 in order to form new independent claim 49, were both previously considered by the Examiner in connection with the examination of previous dependent claims 38 and 39, respectively. Thus, the amendment of independent claim 41 and the addition of new independent claim 49 do not raise new issues requiring further consideration and/or search by the Examiner.

Finally, whereas new independent claim 49 is being added to the application, previous dependent claim 38 is being canceled, so that no new claims are being added to the application without cancellation of a corresponding number of previous claims.

As a result of the above considerations, it is respectfully submitted that the Amendment After Final does not raise new issues requiring further consideration and/or search by the Examiner, and it is therefore requested that this Amendment After Final be entered.

In paragraph 2 of the final Office action, the Examiner rejected claims 34 thru 37 and 41 thru 45 U.S.C. §102 for alleged anticipation by Mukerjee *et al.*, U.S. Patent No. 6,405,041. In paragraph 5 of the final Office action, the Examiner rejected claims 40 and 46 thru 48 under 35 U.S.C. §103 for alleged unpatentability over Mukerjee *et al.* '041 in view of Glass, U.S. Patent Publication No. 2002/0168968. In paragraph 6 of the final Office action, the Examiner objected to claims 38 and 39 for dependency upon a rejected base claim, but stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 and/or §103.

As mentioned above, independent claim 34 is being amended to include the recitation from dependent claim 38, which is being canceled, while previous dependent claim 39 is being amended to appear in independent form. Since claims 38 and 39 were stated, in paragraph 6 of the Office action, to be merely objected to for dependency upon a rejected base claim, and to be allowable if rewritten in independent form, independent claims 34 and 39 (and associated dependent claims) should now be in condition for allowance.

With respect to the amendment of independent method claim 41 and the addition of new independent method claim 49, as stated above, independent method claim 41 is being amended to add a step corresponding to the operation set forth in allowable dependent claim 38. Moreover, new independent method claim 49 is a combination of previous independent method claim 41 and a step corresponding to the operation set forth in allowable dependent claim 39. In that regard, it should be noted that the step added to independent claim 41 by amendment thereof was stated, in the second sub-paragraph of paragraph 6 on page 5 of the Office action, to constitute allowable subject matter in that the prior art of record did not disclose or render obvious the operation of claim 38. It should also be noted that, as stated in the third sub-paragraph of paragraph 6 on page 5 of the Office action, the operation of previous claim 39, which corresponds to the final step recited in new independent method claim 49, was stated to be allowable subject matter in that the prior art of record failed to disclose or render obvious the operation recited in previous dependent claim 39.

As a result of the latter considerations, it is submitted that independent method claim 41 and new independent method claim 49 recite the inventive method in such a manner as to distinguish the invention from the prior art of record, and thus independent method claims 41 and 49 (and associated dependent claims) should now be in condition for allowance.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' undersigned attorney.

A fee of \$210.00 is incurred by the addition of one (1) independent claims in excess of 3. Applicants' check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicants' undersigned attorney in the amount of such fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Bushnell", is written over a horizontal line.

Robert E. Bushnell,
Attorney for the Applicants
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P57025
Date: 2/4/08
I.D.: REB/JGS